

EXHIBIT A

[REDACTED]

From: James K. Schultz
Sent: Tuesday, January 19, 2021 3:06 PM
To: 'Asher Hawkins'; Casamento, Greg; Morgan I. Marcus
Cc: Carol A. Lastorino; Braunstein, Andrew; DeRose, R.J.; Fontenelli, Christopher; Ruggiero, Lisa Ann; Bryan Shartle; Aaron Easley; Amanda Gurman; Gregory Frank; Ken Novikoff; Marvin Frank
Subject: RE: Michelo et al v. NCSLT 2007-2 et al. (No. 18-cv-1781) | Bifulco et al. v. NCSLT 2004-2 et al. (No. 18-cv-7692) - Potential Deposition Dates

Asher:

In response to your email below, please consider:

1. Ms. Alphabet and Ms. Morgan are not my “longtime clients.” Though my office is representing Ms. Alphabet in response to the subpoena for deposition issued by you, I am not currently, and have never represented Colleen Morgan. Though that may change, I have never made any personal assurances that there would be “no problem” with having these witnesses appear for depositions. I would not have authority from anyone to deviate from the Federal Rules of Civil Procedure generally, and Rule 45 specifically. Any ability I would have to arrange for these witnesses to appear would presumably be predicated on their employment with TSI. As neither witness is a TSI employee, I have no ability to force these two people to appear. And I have never stated otherwise, as the only witnesses I believed, and told you I could arrange to appear for deposition are current TSI employees, like Jonathan Boyd – a witness I would highlight we have arranged and agreed to present for a deposition in February.
2. Respectfully, your summary of our March 13 conversation is not accurate. First, I do not know upon what you base your assumption that Ms. Alphabet “attempted to evade service”, but regardless, the video of the attempted service by your process server shows that there was not proper service. There is nothing showing that Ms. Alphabet was evading service.
3. Second, during that call, I promised you, and will continue to promise, that we would assist you in any way we could to effectuate service on Ms. Alphabet. But I have never “expressly agreed to produce” Ms. Alphabet for a deposition, and specifically told you during that meet and confer that I did not have authority from Ms. Alphabet to make any such representation. In fact, I specifically told you that regardless of my representation of Ms. Alphabet, it would be necessary to issue a subpoena for her deposition. That continues to be the case.
4. I would agree with your summary regarding [REDACTED] potential deposition, as Judge Gardephe will need to resolve that issue. That being said, it is possible that, depending on the outcome of Judge Gardephe’s decision, [REDACTED] may retain us. I simply point that out as a possibility.
5. Your claim that yesterday was the first time I made you aware of the need for a subpoena of either Colleen Morgan or Chandra Alphabet is simply incorrect, as detailed above. During our

last call on this topic, I stated that we would be able to produce TSI employees – Jonathan Boyd and Matt Hanly. And consistent with that representation, we have provided you with dates for both.

6. I take no position on whatever motion you will file, but please note that we will oppose any such motion. I am happy to reconsider that position if you have any authority – either under the Federal Rules of Civil Procedure or caselaw – that requires a party like TSI to arrange for personal service upon former employees.



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From: Asher Hawkins <ahawkins@frankllp.com>

Sent: Tuesday, January 19, 2021 11:53 AM

To: James K. Schultz <jschultz@sessions.legal>; Casamento, Greg <GCasamento@lockelord.com>; Morgan I. Marcus <mmarcus@sessions.legal>

Cc: Carol A. Lastorino <Carol.Lastorino@rivkin.com>; Braunstein, Andrew <Andrew.Braunstein@lockelord.com>; DeRose, R.J <RDeRose@lockelord.com>; Fontenelli, Christopher <Christopher.Fontenelli@lockelord.com>; Ruggiero, Lisa Ann <Lisa.Ruggiero@lockelord.com>; Bryan Shartle <bshartle@sessions.legal>; Aaron Easley <aeasley@sessions.legal>; Amanda Gurman <Amanda.Gurman@rivkin.com>; Gregory Frank <gfrank@frankllp.com>; Ken Novikoff <Ken.Novikoff@rivkin.com>; Marvin Frank <mfrank@frankllp.com>

Subject: RE: Michelo et al v. NCSLT 2007-2 et al. (No. 18-cv-1781) | Bifulco et al. v. NCSLT 2004-2 et al. (No. 18-cv-7692) - Potential Deposition Dates

Jim:

We will follow up about a physical location for Mr. Boyd.

* * * *

Your comments disclaiming “control or ability to produce” Chandra Alphabet and Colleen Morgan—your longtime clients—are distressing and violate personal assurances you’ve been making for nearly a year that there would be no problem with these witnesses’ appearing for deposition.

On Mar. 13, 2020, after Ms. Alphabet attempted to evade service of our Rule 45 subpoena, she personally retained you, and we had a meet-and-confer. Noncooperation with judicial process was our key concern, as she previously sought to evade the CFPB’s subpoena for deposition. The outcome of the Mar. 13 call was you expressly agreed to produce her for deposition (as well as Ms. Morgan, like Ms. Alphabet a former TSI affiant whom you began representing following subpoena from Plaintiffs). You even agreed to join Plaintiffs in involving the court if problems with these two persisted. In short, you promised to prevent and resolve the kind of discovery trickery you are now engaging in.

Since Mar. 13, every single meet-and-confer and proposed deposition calendar, not to mention numerous court filings by you, have reflected your commitment to represent Ms. Alphabet and Ms. Morgan and produce them for deposition. Likewise, it has always been clear that [REDACTED] deposition will be subject to Judge Gardephe’s ruling, and that TSI is not responsible for Mr. Cummins, an ex-affiant who has not retained you. There has never been ambiguity about whom you are responsible for producing for deposition, and when.

Yesterday was the first you mentioned that anything had changed as far as Ms. Alphabet and Ms. Morgan. In fact, , during a call just a couple weeks ago, you and I discussed your producing these witnesses at some point in February 2021. It’s difficult to believe you are now suddenly, without warning, casually pretending you have no obligation.

We are moving the court compel you to arrange for personal service upon Ms. Alphabet and Ms. Morgan of copies of their subpoenas, to ensure they are deposed by the Feb. 22, 2021 deadline. We have had numerous meet-and-confers and another is not warranted.

Asher

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From: James K. Schultz <jschultz@sessions.legal>

Sent: Monday, January 18, 2021 11:33 AM

To: Asher Hawkins <ahawkins@frankllp.com>; Casamento, Greg <GCasamento@lockelord.com>; Morgan I. Marcus <mmarcus@sessions.legal>

Cc: Carol A. Lastorino <Carol.Lastorino@rivkin.com>; Braunstein, Andrew <Andrew.Braunstein@lockelord.com>; DeRose, R.J. <RDeRose@lockelord.com>; Fontenelli, Christopher <Christopher.Fontenelli@lockelord.com>; Ruggiero, Lisa Ann <Lisa.Ruggiero@lockelord.com>; Bryan Shartle <bshartle@sessions.legal>; Aaron Easley <aeasley@sessions.legal>; Amanda Gurman <Amanda.Gurman@rivkin.com>; Gregory Frank <gfrank@frankllp.com>; Ken Novikoff <Ken.Novikoff@rivkin.com>; Marvin Frank <mfrank@frankllp.com>

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Asher:

We can confirm J. Boyd for February 10. Like your request, we will need a location for Mr. Boyd to appear remotely.

As for the statement “rest of your subject affiants”, please advise as to who you mean. [REDACTED] is currently the subject to TSI’s objection. The remaining individuals we have discussed in the past, including Colleen Morgan, Chandra Alphabet and Jim Cummins, are no longer employed or within TSI’s control or ability to produce.



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From: Asher Hawkins <ahawkins@frankllp.com>

Sent: Friday, January 15, 2021 7:05 PM

To: Casamento, Greg <GCasamento@lockelord.com>; Morgan I. Marcus <mmarcus@sessions.legal>

Cc: Carol A. Lastorino <Carol.Lastorino@rivkin.com>; Braunstein, Andrew <Andrew.Braunstein@lockelord.com>; DeRose, R.J <RDeRose@lockelord.com>; Fontenelli, Christopher <Christopher.Fontenelli@lockelord.com>; Ruggiero, Lisa Ann <Lisa.Ruggiero@lockelord.com>; Bryan Shartle <bshartle@sessions.legal>; Aaron Easley <aeasley@sessions.legal>; Amanda Gurman <Amanda.Gurman@rivkin.com>; Gregory Frank <gfrank@frankllp.com>; Ken Novikoff <Ken.Novikoff@rivkin.com>; Marvin Frank <mfrank@frankllp.com>; James K. Schultz <jschultz@sessions.legal>

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Morgan:

Let's schedule Jonathan Boyd for Feb. 10. Please also advise about dates for the rest of your subject affiants.

I will get back to you about Matt Hanly.

* * * *

Greg:

As I said in my email earlier today, I will be following up about the remaining dates that need to be calendared. Your extraneous commentary is not necessary.

Nor is it proper for you to (continue to) baselessly use disputed terms like "co-borrower" to refer to Mr. Chestnut and Mr. Bifulco. In this litigation they are nonparties subpoenaed by you.

Finally, you can take Mr. Chestnut's name off your list. You deposed him just a few weeks ago—and you will not be doing so a second time absent court order.

* * * *

Best,
Asher

Asher Hawkins

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From: Casamento, Greg <GCasamento@lockelord.com>

Sent: Friday, January 15, 2021 10:43 AM

To: Morgan I. Marcus <mmarcus@sessions.legal>; Asher Hawkins <ahawkins@frankllp.com>
Cc: Carol A. Lastorino <Carol.Lastorino@rivkin.com>; Braunstein, Andrew <Andrew.Braunstein@lockelord.com>;
DeRose, R.J. <RDeRose@lockelord.com>; Fontenelli, Christopher <Christopher.Fontenelli@lockelord.com>; Ruggiero, Lisa
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Amanda Gurman <Amanda.Gurman@rivkin.com>; Gregory Frank <gfrank@frankllp.com>; Ken Novikoff
<Ken.Novikoff@rivkin.com>; Marvin Frank <mfrank@frankllp.com>; James K. Schultz <jschultz@sessions.legal>
Subject: RE: Michelo et al v. NCSLT 2007-2 et al. (No. 18-cv-1781) | Bifulco et al. v. NCSLT 2004-2 et al. (No. 18-cv-7692) -
Potential Deposition Dates

Asher, you owe us dates for:

- Plaintiff Michelo
- Plaintiff Frauenhofer
- Co-Borrower Chestnut
- Co-Borrower Bifulco

Best,

Greg

Gregory T. Casamento

Managing Partner - New York

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From: Morgan I. Marcus <mmarcus@sessions.legal>

Sent: Friday, January 15, 2021 10:42 AM

To: 'Asher Hawkins' <ahawkins@frankllp.com>; Casamento, Greg <GCasamento@lockelord.com>

Cc: Carol A. Lastorino <Carol.Lastorino@rivkin.com>; Braunstein, Andrew <Andrew.Braunstein@lockelord.com>;

DeRose, R.J. <RDeRose@lockelord.com>; Fontenelli, Christopher <Christopher.Fontenelli@lockelord.com>; Ruggiero, Lisa

Ann <Lisa.Ruggiero@lockelord.com>; Bryan Shartle <bshartle@sessions.legal>; Aaron Easley <aeasley@sessions.legal>;

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**** External email ****

Asher,

Jonathan Boyd is available on the following dates: Feb. 3, 5, 10, or 11.

Matt Hanly is available on the following dates: Feb. 1 or 3.

Please advise today on these as we need to set our February schedules.



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From: Asher Hawkins <ahawkins@frankllp.com>

Sent: Friday, January 15, 2021 6:15 AM

To: Casamento, Greg <GCasamento@lockelord.com>

Cc: Carol A. Lastorino <Carol.Lastorino@rivkin.com>; Braunstein, Andrew <Andrew.Braunstein@lockelord.com>; DeRose, R.J. <RDeRose@lockelord.com>; Fontenelli, Christopher <Christopher.Fontenelli@lockelord.com>; Ruggiero, Lisa Ann <Lisa.Ruggiero@lockelord.com>; Morgan I. Marcus <mmarcus@sessions.legal>; Bryan Shartle <bshartle@sessions.legal>; Aaron Easley <aeasley@sessions.legal>; Amanda Gurman <Amanda.Gurman@rivkin.com>; Gregory Frank <gfrank@frankllp.com>; Ken Novikoff <Ken.Novikoff@rivkin.com>; Marvin Frank <mfrank@frankllp.com>; James K. Schultz <jschultz@sessions.legal>

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We can confirm Jan. 21 for Plaintiff Bifulco, who will require physical location in Buffalo area. Will follow up about other dates soon.

Please start proposing your people's dates now.

Thanks,
Asher

From: Casamento, Greg <GCasamento@lockelord.com>

Sent: Thursday, January 14, 2021 7:39 PM

To: Asher Hawkins <ahawkins@frankllp.com>

Cc: Carol A. Lastorino <Carol.Lastorino@rivkin.com>; Braunstein, Andrew <Andrew.Braunstein@lockelord.com>; DeRose, R.J <RDeRose@lockelord.com>; Fontenelli, Christopher <Christopher.Fontenelli@lockelord.com>; Ruggiero, Lisa Ann <Lisa.Ruggiero@lockelord.com>; Morgan I. Marcus <mmarcus@sessions.legal>; Bryan Shartle <bshartle@sessions.legal>; Aaron Easley <aeasley@sessions.legal>; Amanda Gurman <Amanda.Gurman@rivkin.com>; Gregory Frank <gfrank@frankllp.com>; Ken Novikoff <Ken.Novikoff@rivkin.com>; Marvin Frank <mfrank@frankllp.com>; James K. Schultz (<jschultz@sessions.legal>) <jschultz@sessions.legal>

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Asher we need a schedule and lineup if we are going to start taking depositions on the 20th. Please get back to us ASAP.

Best,

Greg

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On Jan 13, 2021, at 1:52 PM, Casamento, Greg <GCasamento@lockelord.com> wrote:

Asher,

For all of the defendants all of those dates work other than the 27th. Can you let us know who you propose on which dates please. Thanks.

Best,

Greg

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From: Asher Hawkins <ahawkins@frankllp.com>

Sent: Tuesday, January 12, 2021 11:57 PM

To: Casamento, Greg <GCasamento@lockelord.com>

Cc: Carol A. Lastorino <Carol.Lastorino@rivkin.com>; Braunstein, Andrew

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**** External email ****

All:

Please advise which if any the following dates work for defendants for Plaintiff depositions: Jan. 20, 21, 25, 28, 29.

Please also forward potential dates for depositions of defendants' employees.

Best,
Asher

Asher Hawkins

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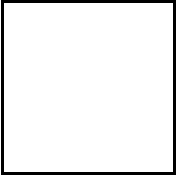
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